

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Keith Eugene Washington,

Civil No. 10cv02359 MJD/JJK

Petitioner,

v.

ORDER

Warden John King, et al.,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated June 29, 2010.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court will adopt the Report and Recommendation dated June 29, 2010.

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, (Docket No. 1), is DENIED; and
2. This action is summarily dismissed without prejudice for lack of jurisdiction.

Dated: September 30, 2010

s/ Michael J. Davis

MICHAEL J. DAVIS

United States District Chief Judge